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D.B. CIVIL WRIT PETITION NO.184/2007.
M/s. Jagdish Trading Company
Vs.
Union of India & Ors.

Date of Order : 16th April 2007.

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Dinesh Mehta, for the petitioner.
Mr. V.K. Mathur, for the respondents.

..

Heard the learned counsel.

This writ petition has been filed against a show cause notice issued by the Department. Learned counsel for the petitioner has submitted that the point in issue is covered by a judgment of the Division Bench rendered in D.B. Civil Writ Petition No.5286/2005 (Sushil & Company Vs. Union of India & Anr.) decided on 11.10.2006.. In his submissions, learned counsel for the petitioner submitted that in view of this aspect of the matter, the proceedings are required to be dropped. On the other hand, learned counsel appearing for the respondents submitted that the petitioner can submit all the points before the Authority concerned which he wants to raise before this Hon'ble Court.

In our view, since the Authority has not taken any final decision in the matter, the petitioner can submit all his submissions before the Authority concerned. Needless to say

that the petitioner can also submit the judgment of the Division Bench on which reliance has been placed and the Authority shall consider the judgment if it applies to the facts of the present case and shall pass appropriate orders in the matter in accordance with law.

Learned counsel for the petitioner wants to withdraw this writ petition. Permission granted.

Subject to the observations aforesaid, the writ petition is dismissed as withdrawn. The interim stay order granted in this matter stands vacated.

(DINESH MAHESHWARI), J. **(P.B. MAJMUDAR) ,J.**

Mohan/